

REMARKS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the claimed subject matter.

Claims 1, 2-3, 6, 8, 10, 12 and 13 were indicated as being rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,972,439 to Kuznicki et al. (hereinafter "Kuznicki") in view of U.S. Patent No. 5,852,636 to Mathieu et al. (hereinafter "Mathieu"). Based on reference made to claim 4 in the detailed action, it is believed that the Examiner intended to include claim 4 in the instant rejection, and thus the rejection is being treated as such. Claim 1, from which each of the rejected claims depend, has been amended to better distinguish from the prior art. Thus, for the following reasons, the rejection is now respectfully traversed.

Regarding amended claim 1, neither Kuznicki nor Mathieu, nor any combination thereof, teaches, suggests or otherwise renders obvious a wireless transmitter comprising "an audio signal/control signal decoder unit, said decoder unit generating said control signal at an output of said decoder unit in response to an encoded audio signal at an input of said decoder unit" and "said input of said decoder unit being operationally connected to said output of said generator unit, via said modulation input, for wirelessly transmitting audio content of said encoded audio signal" as required. According to the claimed invention, due to the operational connections of the input of the decoder unit, an audio signal is provided both to the decoder unit for generating a control signal and to the modulation input of the modulation unit for transmission by the wireless transmitter. In this way, the audio signal can be used for two purposes: to deliver control signal

information to the wireless transmitter, and to deliver audio content (e.g. speech or music) for transmission by the wireless transmitter.

Kuznucki relates to a pager-type system (see col. 2, lines 53-59) in which messages are entered into the system using conventional rotary dial or touch tone telephones through a PBX for delivering pages and/or numeric or alphanumeric messages (see col. 2, lines 60-63). The “audio signal” of Kuznicki cited by the Office action is an analog signal generated by a modem (204) for transmitting control signals to a decoder (8) and for transmitting message information to a signal processing means (206) having a modulation means (212). Despite the fact that the control signals and the message information are modulated into an audio signal by the modem (204), they do not contain audio content for transmission by a wireless transmitter, as in amended claim 1. Rather, the control signals contain control information and the message information contains paging information, such as numeric or alphanumeric messages.

Mathieu was cited by the Office action for teaching a transmitter that includes a modulator. Mathieu does not disclose an audio signal or a signal containing audio content. Therefore, even if the teachings of Kuznicki and Mathieu were combined, the resulting combination would not teach, suggest or otherwise render obvious all of the limitations of amended claim 1, and its rejected dependent claims. In view of the above, it is respectfully requested that the rejection be withdrawn.

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kuznicki in view of Mathieu, and in further view of U.S. Patent No. 6,778,814 to Koike. For the above reasons, the combination of Kuznicki and Mathieu does not teach or render obvious all of the limitations of claim 1, from which claim 7 depends. Further, Koike does not disclose using an

encoded audio signal for generating both a control signal and audio content. Therefore, even if the teachings of Kuznicki, Mathieu and Koike were combined, the resulting combination would not teach, suggest or otherwise render obvious all of the limitations of claim 7. Accordingly, it is respectfully requested that the rejection be withdrawn.

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kuznicki in view of Mathieu, and in further view of U.S. Patent No. 5,319,716 to McGreevy. For the above reasons, the combination of Kuznicki and Mathieu does not teach or render obvious all of the limitations of claim 1, from which claim 11 depends. Further, McGreevy does not disclose using an encoded audio signal for generating both a control signal and audio content. Therefore, even if the teachings of Kuznicki, Mathieu and McGreevy were combined, the resulting combination would not teach, suggest or otherwise render obvious all of the limitations of claim 11. Accordingly, it is respectfully requested that the rejection be withdrawn.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

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Amdt. dated February 20, 2009
Reply to Office Action of August 20, 2008

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. TSW-33904.

Respectfully submitted,
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